Preserve

App. F. IX-4

1935-6
(C.S)

File No. 33-35
Serial Nos. 1, 4, 5

Previous References
C.D 63-83 (1-3)

Later References

PRESERVE -

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Three

Part B for grave

SUBJECT.

Amendment to rule 6 (ii) of rules under the Cooperative Societies Regulation.

D 7141. B. 27/5/35 D ~~1056~~ ~~8.3.1.35~~

To Compiler sig.

Notified the

2:87/P 38

1485

General and Revenue Secretariat | C.S. File No. 33 of 1935. | [App. F. III—2

Serial No. 1

GENERAL SECRETARIAT 2 OCT. 1935 53 G

From the Registrar of C.S.

No 2082 of 23rd Septr 1935

Requests that as the power of appointg guardians to minrs or persons of unsound mind in Cooperative Disputes under Rule 16(ii). has not been delegated to the Dy. Regr & Asst. Regrs the same may be conferred on them.

May perhaps be sanctioned with the Concurrence of the Law Secty.

No 2/10/ 2 Gen. Secy) dcg 2/10/1935

3 Law Secy. for note

Law 16...

1st 10/10 dy

4 Rule 16(ii) empowers the Registrar to appoint a proper person to be guardian where one of the parties to the dispute is a minor or appears a lunatic Govt seems no objection to delegate this power to the deputy and Asst Registrar under sec 4 of the C.S. Regn

go Law.

1st 10/10.

5 Under sec 4 the powers that may be conferred on the Dy or asst Regr are the powers of the Registrar under the Regulation. The power to decide a dispute or to transfer it vested in the Registrar under

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

Sec 43A (2) ~~xxxx~~ is a power which ~~therefore~~ may therefore be invested under Sec 4 - Rule 16 (iii) however prescribes the procedure to be followed in deciding such disputes. This rule cannot therefore be construed as a power conferred on the Registrar by the Regulation and thus be made the subject of a special or general order under Sec 4. The better way, I think, is to say in rule 16 itself that it applies to the Registrar or any other person empowered to decide the dispute.

Dev Br)

25/10

6) Submitted with reference to the Gen. Sec's orders at para 3 supra.

31/10.

7) Amendment may be suggested to Rule 16 accordingly.

1/11/35

8) May the rule be amended as follows:—

"Where one of the parties to the dispute is a minor or a person of unsound mind, the Registrar, [or any other person empowered to decide the dispute], on being satisfied of the fact of his minority or unsoundness of mind, shall appoint a proper person to be guardian &c".

2287/35

13

General and Revenue Secretariat | C 1 File No. 33 of 1935. | [App. F. III—2

Serial No.

9) In the above draft rule, the portion enclosed in brackets is proposed for addition by the Law Secty -

10) But it is for consideration whether the rule should be amended in this manner so as to include Arbitrators also, who are being empowered by the Registrar to decide the dispute. If, as ~~suggested~~ requested by the Registrar this powers should be conferred on the Deputy Registrar and Asst Registrars only, then the words in brackets may be altered to "[or the Dy Registrar or Asst Registrar ~~any officer~~ deciding the dispute]", so that Arbitrators may be definitely excluded from the exercise of such a power - Subd - for orders

5/11 11) For favour of opinion.

Law Asst Secy with compts. 6/11/35

12) The Registrar may, I think, be consulted in the first instance on the point now raised.

Under Secy, Dev with compts 7.11.35

13) 9.11.35 Forwarded, with compliments, to the Registrar of Co-operative Societies in Mysore for favour of opinion.

By Order,

for Sec'y. to Govt.

9/11/35

Ref No. 602 CR 35-36 as 63-33 C1-3/2 2 Encls.

NOTE.—Contn. Sheet.

WD 6591—GPB—30,000—18-7-35

296 HOC/35 18/11/35

14) Returned with Compliments. The Arbitrator may be desirous of knowing what powers he has for appointing such persons. When a question arises for the appointment of a guardian to a minor or a person of unsound mind in a dispute before an Arbitrator this file may be returned to the Deputy Registrar or the Asst Registrar who refers the dispute to him, for the appointment of a guardian

16/11/35

15) Submitted for orders if the rule may be altered as suggested already

K.P. 20/XI.35

16) Dealt with compts

dsg 22/11/35

17) There is no legal objection to follow the suggestion of the Registrar made in his note of 16.11.35

Draft

Under Sec to deal with Comp

pnl 23/11

18) The Rule may be amended as follows:—

"Where one of the parties to the dispute is a minor or person of unsound mind, the Registrar, [the Deputy Registrar or the Assistant Registrar who is deciding the dispute], on being satisfied of the fact of his minority or unsoundness of mind, shall appoint a proper person to be guardian for such minor or person of unsound

Serial No.

mind, provided that the interest of such person is not adverse to that of the minor or the person of unsound mind. The [officer deciding the dispute] ~~Registrar~~ may, for sufficient reasons, permit such person to retire or may remove him and appoint a new guardian in his place". The ~~figures~~ words in brackets [ ] show the amendment

19) Draft notification publishing the draft rule and calling for objections, if any, is submitted for approval

MD 27/11 KP 20) Gen-Secy) Secy 28/11/35

21) Lawsecy - Please note if the amendment proposed is all right—

MD 29/11 Secy

22) Law-Secy WP KP 29-11

23) Instead of "The officer deciding the dispute" in the 2nd sentence, "The Registrar or other officer ~~appointed~~ making the appointment" may be substituted. With this modn, the amendment is all right—
Gen Secy) MD 30/11

24) Please notify accepty & put up a typed copy

MD 3/12 Secy

GENERAL SECRETARIAT 28 NOV 1935 583

NOTE.—Contn. Sheet.

WD 6359—GPB—30,000—13-7-35

NA 85

File No. of 193 . | General and Revenue Secretariat

25) The draft is modified according to the suggestions of the Law Section. This may now be sent to the Typing Section for putting up a typed draft

7/12/35 26) Typing Section / KO 7.12.35

27) The draft as modified is typed and numbered as directed

11/12/35 Gen. Secy) / 12/12 Secy

The Regr q C.S. proposes that the power to appoint guardians in cases of minors may be delegated to the Dy Regr & Asst Regrs. Vide his letter dated 23.9.35.

There seems to be no objn to doing this. An amendment of the rules prepared in consultation with the Law Section and notification inviting objection to amendment / Rule placed below. The draft may be approved.

13/12 Secy

Secd Member

Dewan

17/12/35 Secy 17.12.35 Secy

24 DEC 1935 GENL & F SECTT

19/12/35 Secy

GENERAL SECN. 12 SO

1935 SECTT.

OFFICE OF THE SECOND MEMBER OF COUNCIL. 14 DEC. 1935 No. 4632

DEWAN'S OFFICE 18 DEC. 1935 No. 4022

Amendments 14-5 to Rule 16 (iii) of Rules under C. S. Regn

General and Revenue Secretariat | C. File No. 33 of 1935 | [App. F. III—2

Serial No.

To the Compiler H.Q.

No. D. 4056 & 3-1-36

Notify the draft amendments to the C.S. Rules and call for objections, if any, from the Public within two months.

No. 4057 & 3-1-36 to the Deputy CS

48 copies of the Notification.

14 MAY General Sec

In B file the 15th end of March 36

No 16/4/36 the draft Notification dated 17th March 36

No 26/5/36

Compare file [illegible]

28/3

No objections have been received till now, a draft publishing the rules is laid together in the file for approval

No 98 13/5/36

Please bring up

Ly 14.5.36

Gl Secy) Ly. 14.5.36

For perusal before issue

Dno 15/5 Ly 15.5.36

8878

Secd Member

Mu 16/5/36.

Dno 16/5

Dsow Ly. 16.5.36

TYPING BUREAU 18 MAY 1936 GENL SECT

NOTE.—Contin. Sheet.

WD 03591—GPB—30,000—18-7-35

8

C.S. File No. 357 of 1936

General and Revenue Secretariat

To The Compiler Leg
No D. 7141 of 29/5/36
Notify an amendment to Rule 16(i)
for Rule note to C.S. Prog
Copy to no Dept of
No D 7142 of 29/5/36

B 49 6/6/

GEN. & REV. SECRETARIAT

7 JUNE 1936

DEVELOPMENT BRANCH

DEVELOPMENT SECRETARIAT

No. D. 2578—*C. S.* 62-33-3, *dated 5th October* 1934.

In supersession of the marginally noted notifications, the Government of His Highness the Maharaja of Mysore are pleased to direct under Section 4 of the Mysore Co-operative Societies' Regulation VII of 1918 as amended from time to time that the following powers be conferred on the Deputy Registrar and the Assistant Registrars of Co-operative Societies.

1. Notification No. 8712—E. C. 84-18-2, dated 11th March 1919.
2. Notification No. 6139—C. S. 62-29-3, dated 6th December 1929.
3. Notification No. D. 6925—C. S. 62-29-3, dated 7th February 1930.
4. Notification No. G. 9537—L. M. 8-29-3, dated 12th February 1930.

Powers conferred on the Deputy Registrar and the Assistant Registrars of Co-operative Societies under Section 4 of the Mysore Co-operative Societies Regulation :—

1. Power to register societies and their bye-laws (Section 9 of the Regulation).

2. Power to approve of bye-laws, their alteration, abrogation or amendment (Section 11 of the Regulation).

3. Power to audit or cause to be audited some person authorised by him, out of the panel of Auditors, if any, approved for the purpose by the Registrar, the accounts of societies in their respective divisions (Section 17 (1) of the Regulation), and to summon any person, in possession or responsible for the custody of the books, accounts, documents, securities, cash and other properties at any place at the headquarters of the society or any branch thereof (Section 17 (3) of the Regulation).

4. Power to assent to loans by one registered society to another, the approval of the Registrar being taken in cases of loans exceeding Rs. 5,000 (Section 29 of the Regulation).

5. Power to hold or authorise other persons to hold an enquiry into the constitution, working and financial condition of co-operative societies. (Section 35 (1) of the Regulation).

6. Power to inspect and authorize other persons to inspect the books of societies (Section 36 (1) of the Regulation) and to apportion the cost (Section 37 of the Regulation).

7. (i) Power to settle in person disputes relating to the business of a society, within their respective jurisdictions, the subject matter of which does not exceed Rs. 2,500 or to transfer them for disposal to any person invested by the Government with powers in this behalf (Section 43-A (2) (a) of the Regulation).

(ii) Power to refer such disputes for disposal to an arbitrator or board of arbitrators (Section 43A (2) (b) of the Regulation).

(iii) Power to refer parties to the Civil Court (Section 43-A (2) (c) of the Regulation).

(iv) Power to withdraw such disputes from the arbitrator or arbitrators and to dispose it of in any of the ways provided by law (Section 43-A (3) of the Regulation).

8. Power to direct the conditional attachment of properties (Section 43-A (4) of the Regulation).

9. Power to dispose of finally appeals from the awards of arbitrator or arbitrators in disputes referred to them, subject to the same pecuniary restrictions as to original cases. (Section 43-A (5) of the Regulation).

10. Power to summon the production of documents (Section 43-B of the Regulation).

11. Power to send decisions for execution under Section 43-A to the Civil Courts or the Deputy Commissioners of Districts with proper certificates (Section 43-C (1) of the Regulation).

12. Power to consent to the handing over of properties to a registered society (Section 43-C (2) of the Regulation).

13. Power to set aside *ex parte* decisions or awards. (Rule 16 (iii) of the rules under the Regulation).

14. Power to convene, or authorise others to convene special general meetings. (Rule 19 of the rules under the Regulation).

15. Power to call for information from societies. (Rule 20 of the rules under the Regulation).

16. Power to sanction the payment of dividends in unlimited liability societies. (Rule 18 of the rules under the Regulation).

By Order,
M. VENKATANARANAPPA,
Secretary to Government,
Development Department.

No. 2082 C.S.

GOVERNMENT OF MYSORE.

DEPARTMENT OF CO-OPERATION.

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE.

Telegraphic Address: "CO-OPERT" BANGALORE

Dated, Bangalore, 23 Septr. 1935.

From

GULAM MOHIYUDDIN MEHKRI, ESQ., B.A., LL.B.,
Registrar of Co-operative Societies in Mysore,
BANGALORE.

To

H.V.Ramaswami,Esq.,M.A.,B.L.,
Secretary to the Government of Mysore,
General Department,B a n g a l o r e.

Sir,

With reference to Government Notification No.D.2578/C.S.63-33-3 dated 5th October 1934 conferring on the Deputy Registrar and the Assistant Registrars of Co-operative Societies certain powers under Section 4 of the Mysore Co-operative Societies' Regulation VII of 1918 as amended from time to time, I have the honour to state that the power of appointing guardians to minors or persons of unsound mind in Co-operative Disputes under Rule 16(2) has not been delegated to the Deputy Registrar and Assistant Registrars and to request that the Government may be pleased to confer such powers on them, as otherwise, this Miscellaneous enquiry will have to be conducted by the Registrar even in the case of disputes to be heard by the Assistant Registrars thus causing unnecessary delay in the disposal of disputes.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

L.S.20/9.

D. 4056 & 3-1-36.

L.S. 33-35-4

NOTIFICATION.

The following draft amendment to Rule 16 (ii) of the Rules issued under Section 44 of the Mysore Co-operative Societies Regn VII of 1919 as amended from time to time is hereby published for general information. All suggestions for additions, alterations or omissions by persons or bodies likely to be affected by the amendments may be forwarded so as to reach the Secretary to Government, General Department, within ~~one~~ two months from the date of publication of this Notification in the Mysore Gazette.

Any suggestions received after the due date will not receive consideration.

After the word "Registrar" occurring in the first sentence of Rule 16 (ii), add the words "the Deputy Registrar or the Assistant Registrar who is deciding the dispute".

a n d

For the word "Registrar" occurring in the second sentence of the Rule, substitute the words "officer making the appointment".

An additional sub paragraph as follows shall ~~also~~ be inserted:- "When a necessity arises for the appointment of a guardian to a minor or a person of unsound mind, in a dispute before an arbitrator, the file may be return-

returned to the Deputy Registrar or the Assistant Registrar who referred the dispute to him for the appointment of a guardian."

The Rule will, with these amendments read as follows:-

"16 (ii). Where one of the parties to the dispute is a minor or a person of unsound mind, the Registrar, or the Deputy ~~Departments~~ Registrar or ~~the~~ Assistant Registrar who is deciding the dispute, on being satisfied of the fact of his minority or unsoundness of mind, shall appoint a proper person to be guardian for such minor or person of unsound mind. The officer making the appointment, may, for sufficient reasons, permit such person to retire or may remove him and appoint a new guardian in his place.

When a necessity arises for the appointment of a guardian to a minor or a person of unsound mind in a dispute before an arbitrator, the file may be returned to the Deputy Registrar or the Assistant Registrar who referred the dispute to him for the appointment of a guardian."

By Order,

13/11

Asst. Secy to Govt.

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette.

D.4057 & 3.1.36

[illegible] the Reg. of Cooperative Societies in [illegible] for information.

By Order

DRAFT)

Genl. Secry to Govt.

Appendix F G—1]

SUBJECT..... L.D. Copies

.....

.....

Section G.S.

File No. 33-35

Serial No. 5

Diary No. of letter replied to..... .....

No. D. 7141

~~To~~ Notification

Minor Section 44 of the Mysore Co-operative Societies' Regulation VII of 1918 as amended from time to time, the Govt of HH the Maharaja of Mysore are pleased to make the following amendments to Rule 16(ii) of the Rules under the Regulation

General and Revenue Secretariat

( )

the *193* .

Date of issue No. 5. 36

Signed by .....

After the word "Registrar" occurring in the first sentence of Rule 16 (ii), add the words "The Deputy Registrar or the Assistant Registrar who is deciding the dispute".

and

For the word "Registrar" occurring in the second sentence of the Rule, substitute the words "officer making the appointment".

An additional Sub paragraph as follows shall also be inserted "When a necessity arises for the appointment of a guardian to a minor or a person of unsound mind in a dispute before an arbitrator, the file may be returned to the Deputy Registrar or the Assistant Registrar who referred the dispute to him for the appointment of a guardian."

WD 08601—GPB—30,000—23-9-35

The Rule will, with these amendments, read as follows:-

"16 (11) Where one of the parties to the dispute is a minor or a person of unsound mind, the Registrar or the Deputy Registrar or Assistant Registrar who is deciding the dispute, on being satisfied ~~of~~ the fact of his minority or unsoundness of mind, shall appoint a proper person to be guardian for such minor or person of unsound mind. The officer making the appointment, may, for sufficient reasons, remit such person to retire or may remove him and appoint a new guardian in his place.

When a necessity arises for the appointment of a guardian to a minor or a person of unsound mind in a dispute before an arbitrator, the file may be returned to the Deputy Registrar or the Assistant Registrar who referred the dispute to him for the appointment of a guardian."

By order

W.S. [illegible]

To The Compiler Nyasa Gazette for publication in Part IV of the Gazette and supply of 250 copies of the same to the Registrar C.S. and 100 copies to this office.

Memo D.7142 of 2.3.35.

Copy of the above is forwarded with Compts to the Registrar C.S. for information

B.O

W.S. [illegible]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

No. [illegible] Dated Bangalore, 19th May 1936.

[illegible]

NOTIFICATION.

Under Section 44 of the Mysore Co-operative Societies Regulation VII of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to make the following amendment to Rule 16 (ii) of the Rules under the Regulation :-

After the word "Registrar" occurring in the first sentence of Rule 16 (ii), add the words "The Deputy Registrar or the Assistant Registrar who is deciding the dispute".

and

For the word "Registrar" occurring in the second sentence of the Rule, substitute the words "officer making the appointment".

An additional Sub paragraph as follows shall also be inserted "when a necessity arises for the appointment of a guardian to a minor or a person of unsound mind in a dispute before an arbitrator, the file may be returned to the Deputy Registrar of the Assistant Registrar who referred the dispute to him for the appointment of a guardian."

The Rule will, with these amendments, read as follows :-

"16 (ii) Where one of the parties to the dispute is a minor or a person of unsound mind, the Registrar or the Deputy Registrar or Assistant Registrar who is deciding the dispute, on being satisfied of the fact of his minority or unsoundness of mind, shall appoint a proper person to be guardian for such minor or person of unsound mind. The officer making the appointment, may, for sufficient reasons, permit such person to retire or may remove him and appoint a new guardian in his place.

When a necessity arises for the appointment of a guardian to a minor or a person of unsound mind in a dispute before an arbitrator, the file may be retured to the Deputy Registrar or the Assistant Registrar who referred the dispute to him for the appointment of a guardian."

By Order,

[illegible]

for General Secretary to Government.

The Compiler, Mysore Gazette, for publication in Part IV-A of the Gazette, and supply of 250 copies of the Notification to the Registrar of Co-operative Societies and 250 copies to the Director of Printing.

NOTIFICATION.

No. D. 7141—*C. S.* 33-35-5, *dated Bangalore,*
20*th May* 1936.

Under Section 44 of the Mysore Co-operative Societies' Regulation VII of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to make the following amendment to Rule 16 (ii) of the Rules under the Regulation :—

After the word "Registrar" occurring in the first sentence of Rule 16 (ii), add the words "The Deputy Registrar or the Assistant Registrar who is deciding the dispute."

and

For the word "Registrar" occurring in the second sentence of the Rule, substitute the words "officer making the appointment."

An additional Sub-paragraph as follows shall also be inserted. "When a necessity arises for the appointment of a guardian to a minor or a person of unsound mind in a dispute before an arbitrator, the file may be returned to the Deputy Registrar or the Assistant Registrar who referred the dispute to him for the appointment of a guardian."

The Rule will, with these amendments, read as follows :—

"16. (ii) Where one of the parties to the dispute is a minor or a person of unsound mind, the Registrar or the Deputy Registrar or Assistant Registrar who is deciding the dispute, on being satisfied of the fact of his minority or unsoundness of mind, shall appoint a proper person to be guardian for such minor or person of unsound mind. The officer making the appointment, may, for sufficient reasons, permit such person to retire or may remove him and appoint a new guardian in his place.

When a necessity arises for the appointment of a guardian to a minor or a person of unsound mind in a dispute before an arbitrator, the file may be returned to the Deputy Registrar or the Assistant Registrar who referred the dispute to him for the appointment of a guardian."

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.